

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL UTILITY ORDERS
Selected for Publication
August 2003

August 12, 2003

AT&T Communications of the Pacific
Northwest, Inc.,

DOCKET NO. UT-020406

v.

Verizon Northwest, Inc.

ELEVENTH SUPPLEMENTAL
ORDER DIRECTING FILING OF
REVISED ACCESS CHARGE RATES

The precept against “single issue ratemaking” such as might result from the filing of a complaint does not apply when a complainant alleges specific violations of statutes. *¶ 9-10; RCW 80.36.186; RCW 80.36.180; RCW 80.04.110.*

A regulated utility is not guaranteed a certain revenue level but rather is entitled only to an opportunity to earn sufficient revenue to meet its reasonable expenses. The appropriate forum to demonstrate the need for a general rate increase is a general rate increase proceeding. *¶ 15; RCW 80.01.040.*

Rates are determined on the basis of information available at the time they are set. Rates set on that basis by the Commission in a specific docket, are

not forever invulnerable to change. The Commission is not required to reopen the docket in which the rates were originally set in order to address further changes to them. ¶ 20-23; RCW 80.01.040.

The Commission may address the components of a competitive rate in order to determine whether the rate itself is unreasonable, unremunerative, discriminatory, illegal, unfair or tending to stifle competition. ¶ 25-26; RCW 80.04.110.

Rates in compliance with Commission rules are not necessarily immune from challenge because of that compliance. Agency rules do not supersede the provisions of statutes or case law. ¶ 30; RCW 80.01.040; WAC 480-120-540.

The Commission has no authority to grant an award of damages, but may provide a remedy for practices that can produce damages. No proof of damage is required to prove a wrongful practice. ¶ 34-35; RCW 80.04.110.

A Commission finding that a regulated carrier has violated a statute, rule or order does not necessarily signify that the violation was intentional. ¶ 37; RCW 80.04.110.

Rates that are different because they are based on legal and factual differences, and that do not operate to discriminate unduly because the

underlying traffic is legally different in character, do not constitute unlawful discrimination. ¶ 52-55; RCW 80.04.110; RCW 80.28.100.

A price floor for competitive retail offerings must include all of the offering carrier's own long-run incremental costs for competitive elements, plus the imputation of charges that it imposes on others for bottleneck services. Services classified as competitive are not bottleneck services. ¶ 87; WAC 480-120-204(6).

The Commission will allow amendment of a complaint to include an issue raised during the proceeding when the issue was addressed by exhibits, witnesses' testimony, and argument, and the opponent of the amendment had sufficient opportunity to respond, and did respond. ¶ 118; WAC 480-09-425 (4).

August 14, 2003

In the Matter of the Petition of

DOCKET NO. UT-030614

Qwest Corporation

ORDER NO. 13

For Competitive Classification for Basic
Business Exchange
Telecommunications Services

GRANTING IN PART REQUEST FOR
CLARIFICATION

In determining whether joint parties may share confidential information, the Commission must balance concerns for orderly and expeditious proceedings with concerns for confidentiality of sensitive information. This does not signify that the Commission bars or discourages parties from acting jointly during evidentiary proceedings. ¶ 18; RCW 480-09-480.

August 21, 2003

In the Matter of the Investigation

DOCKET NO. UT-003022

Into US WEST COMMUNICATIONS, INC.'s Compliance with Section 271 of the Telecommunications Act of 1996;

In the Matter of US WEST COMMUNICATION, INC.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996.

DOCKET NO. UT-003040

FORTY-SEVENTH SUPPLEMENTAL ORDER; DIRECTING PARTICIPATION IN MULTI-STATE COLLABORATIVE

The Commission has statutory authority to participate in multi-state proceedings pursuant to RCW 80.01.070, which allows the Commission to hold joint hearings with other state commissions and hold hearings outside of the state. Participation in multi-state proceedings

allows the Commission to evaluate issues common to other states more effectively and efficiently than proceeding independently. ¶ 36, 37.

August 26, 2003

DOCKET NO. UT-023043

The Public Counsel Section of the
Office of the Washington Attorney
General,

Complainant,

ORDER NO. 01

PREHEARING CONFERENCE
ORDER [GRANTING SPECIAL
INTERVENTION]

v.

Cascade Natural Gas Corporation, and
PacifiCorp d/b/a Pacific Power and
Light Company,

Respondents.

The Commission may grant a petition for special intervention that proposes to broaden the issues in a proceeding when the alternative would be a separate complaint that most likely would be consolidated with the pending proceeding. Granting such petitions preserves the parties' and the Commission's resources and promotes administrative convenience.